

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

July 09, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONLAURA A. AUSTIN, CLERK
BY: /s/T. Taylor
DEPUTY CLERKANGELIA CHRISTINA
BURTON-HYPES,

Plaintiff,

v.

TONI TRUEHEART, *et al.*,

Defendants.

Civil Action No. 7:22cv00513

MEMORANDUM OPINIONBy: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Angelia Christina Burton-Hypes, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On May 14, 2024, the defendants filed a motion to dismiss, and on May 15, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 90 & 92.) The *Roseboro* notice gave Burton-Hypes 21 days to file a response to the motion to dismiss and advised her that, if she did not respond to the defendants' motion, the court would "assume that [she] has lost interest in the case, and/or that [she] agrees with what the Defendant[s] state[] in their responsive pleading(s)." (*See* ECF No. 92.) The notice further advised Burton-Hypes that, if she wished to continue with the case, it was "necessary that [she] respond in an appropriate fashion," and that if she failed to file a response to the motion within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

To date, Burton-Hypes has not filed a response to the defendants' motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 9th day of July, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE